

337.

Consolidated Gas Company may not dispute right of Northern Maryland Power Company to continue to exercise rights of one of its constituent companies in Havre de Grace, as conferred by this section. Provision of this section requiring assent of Mayor and City Council of Baltimore is inclusion of local law in general law. Claim to "statewide franchise" under this section, denied. *Kelly v. Consol. Gas, etc., Power Co.*, 153 Md. 528.

See notes to sec. 331.

1927, ch. 686. 1931, ch. 473.

337A. Any corporation of this or any other State, which is now or may hereafter be engaged in the business of transmitting or supplying natural gas, artificial gas, or a mixture of natural and artificial gases, may acquire by condemnation, in the manner provided in Article 33A, rights of way or easements necessary for the purpose of laying, constructing, changing the size of, repairing, maintaining, operating and removing pipe lines and appurtenances thereto for the transmission and supplying of natural gas, artificial gas, or a mixture of natural and artificial gases; provided, however, that nothing contained in this section is intended or shall be taken or construed as relieving any such corporation from the provisions of Chapter 180 of the Acts of the General Assembly of Maryland of 1910, known as the Public Service Commission Law, or any amendment thereto; and provided further that nothing contained in this section is intended, or shall be taken or construed, to confer the right of condemnation upon any corporation, domestic or foreign, which is not engaged, or to become engaged, in the business of transmitting such gas or gases directly to local consumers in this State along its proposed rights of way, and is not offering to contract with such local consumers to supply them directly with such gas or gases upon terms and conditions subject to the approval of the Public Service Commission of Maryland, and which said corporation shall not have certified to the State Tax Commission the name and address of an agent of such corporation, resident in this State, service of process upon whom shall bind the corporation until the appointment of a substitute duly certified to the State Tax Commission; but nothing contained in this proviso shall be taken or construed to affect the right of any corporation which is now transmitting such gas or gases for public use through one or more pipe lines in this State, to condemn as aforesaid for public use necessary rights of way or easements for such pipe line or pipe lines now in use or appurtenances thereto, or for any incidental relocations thereof, or for any additional pipe lines or appurtenances thereto along and on the same routes or along and on such incidental relocations thereof, so that the right of any such corporation to condemn for such purposes shall be determined as if this proviso had not been enacted.

Foreign Corporations.**345.**

This section referred to in dissenting opinion as to recovery of dividends paid by corporation when insolvent. *Bartlett v. Smith*, 162 Md. 488.